

ORAL ARGUMENT HELD MARCH 21, 2025

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION, AFL-
CIO,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Respondent.

Lead Case No. 24-1151

Consolidated with Case Nos.
24-1182, 24-1185, 24-1202,
24-1237

UNOPPOSED MOTION FOR A STAY OF FILING DEADLINE
IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of the October 27, 2025, deadline to file a joint status report in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Respondent. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the deadline to file a joint status report until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Counsel for Industry Petitioners Texas Chemistry Council and American Chemistry Council, for Industry Petitioners American Fuel & Petrochemical Manufacturers and American Petroleum Institute, for Petitioner-Intervenor Olin, and for Labor Petitioners have authorized counsel for the Government to state that they have no objection to this motion. Counsel for Intervenor-Respondents have authorized counsel for the Government to state that they take no position.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the October 27, 2025, deadline to file a joint status report in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

October 22, 2025

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

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CERTIFICATES OF COMPLIANCE AND SERVICE

I certify that this brief complies with Fed. R. App. P. 32(a)(5) and (6) because it uses 14-point Times New Roman, a proportionally spaced font.

I also certify that this brief complies with the type-volume limit of Fed. R. App. P. 32(a)(7)(B) because by Microsoft Word's count, it has 332 words, excluding the parts of the brief exempted under Rule 32(f).

Finally, I certify that on October 22, 2025, I electronically filed this brief with the Court's CM/ECF system, which will serve each party

/s/ Daniel R. Dertke
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